

# CENTRAL INFORMATION COMMISSION

Room No. 308, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066

**File No.CIC/AD/C/2013/001380**

**( D.S. Kauntae –Vs- DGR/Delhi Institute of Fire Engineering, New Delhi)**

Dated : 05.08.2013

This matter was heard on 19.6.2013. The proceedings of the day are extracted below :-

**“File No.CIC/AD/C/2013/001380/LS**

**Appellant :** D.S.Kauntae  
**Respondent :** DGR / Delhi Institute of Fire  
Engineering, Dwarka, New Delhi  
**Date of hearing :** 19.6.2013  
**Date of decision :** 19.6.2013

## FACTS

Heard today dated 19.6.13. Appellant present. The Institute is represented by Capt. Krishan Kumar and Shri V.K.Garg. The Directorate General of Resettlement (DGR) is represented by Gp. Capt. Rajeev Sharma.

2. It is noticed that vide RTI application dated 8.8.12, the appellant had sought huge information running into 22 paras from the said Institute. The management of the Institute did not respond to the RTI application. Hence, the appellant has filed the present complaint before the Commission.

3. It is the appellant's contention that the Service Headquarters/DGR are sponsoring serving as well as retired personnel to the Institute for training in fire fighting. The fee is being paid by Ministry of Defence for the training. About Rs.10 to 12 lakhs per annum are being remitted by Ministry of Defence through PDCA. Viewed thus, the Institute can be said to be a Public Authority u/s 2(h) of the RTI Act.

4. On the other hand, Capt. Krishan Kumar submits that Institute is a private entity and is not funded by the Central Government or Government of NCT of Delhi in any manner whatsoever and, therefore, is not a Public Authority u/s 2(h) of the RTI Act. Gp. Capt. Rajeev Sharma also takes the same line. According to him as the Institute is not funded, directly or indirectly, by the Central Government, it cannot be said to be Public Authority u/s 2(h) of the RTI Act.

5. The parties are directed to file their written submissions in four days time. The appellant's plea for issuing notice to Delhi Fire Service will be considered on the receipt of his written submission.”

2. As directed, the appellant has filed a detailed written representation contending therein that the Institute of Fire Engineering(Institute herein-after) is a Public Authority under section 2(h) of the RTI Act in as much as it has been recognized by the Board of

Technical Education of the Government of NCT of Delhi and that it is also affiliated with the said BTE. It is also the appellant's contention that the Institute has paid an amount of Rs. 13 lacs to the Delhi Fire Service. The rationale behind this argument is not clear to me. It would have made sense if it was other way around, that is, the Delhi Fire Service had paid this amount to the Institute. The appellant has also relied on a number of decisions of this Commission to canvass this case.

3. On the other hand, Vice Chairman, Delhi Institute of Fire Engineering, in his written representation dated 22.6.2013 has canvassed that the Institute is not funded by the Central Government or Government of NCT of Delhi in any manner whatsoever. All that the Institute does is to impart training to the officers and men sponsored by DGR which is not a permanent or continuous process. The trainees are sponsored on yearly basis and, training is imparted on payment of fee. It is a service being rendered by the Institute for a consideration and the Institute has no attributes of the public authority under section 2(h). Paras 04 & 05 of his representation are extracted below :-

“4. Apart from conducting regular fire safety courses for private students. We are also service provider to **Directorate General Resettlement MoD, Govt. of India**. It is not a permanent or continuous process but, service providers (professional Institutes) are selected purely on merits and yearly basis for the training of their serving/retiring personnel.

(a) **Delhi Institute of Fire Engineering** is paid professional/training fee after deduction of TDS by DGR/PCDA.

(B) The fee is inclusive of service tax @ 12.36% as stipulated in **Directorate General Resettlement MoD, Govt. of India** instructions which is subsequently paid to the tax department by this Institute. Hence, this training fee cannot be termed or defined as a monetary Grant/Financial Aid by **Directorate General Resettlement/Principal Controller of Defence Accounts** to this Institute. Thus, the contention of the appellant does not hold any merit, as accepting professional fee from any Govt. Department does not grant the status of Public Authority to any private institute.

5. We also wish to bring in kind notice of Hon'ble CIC that training of DGR sponsored candidates has no connection with “**Delhi Fire Service**” whatsoever manner and no fee is paid to Delhi Fire Service for their training. Hence, dragging the name of Delhi Fire Service in training of DGR sponsored candidates by appellant is incorrect and loaded with ulterior motives.”

4. It is pertinent to mention that public authority is defined under section 2(h) of the RTI Act. Clause (h) is extracted below :-

“2(h) "public authority" means any authority or body or institution of self-government established or constituted—

(a) by or under the Constitution;

(b) by any other law made by Parliament;

- (c) by any other law made by State Legislature;
- (d) by notification issued or order made by the appropriate Government, and includes any—
  - (i) body owned, controlled or substantially financed;
  - (ii) non-Government organisation substantially financed, directly or indirectly by funds provided by the appropriate Government;

5. It is nobody's case that the Institute is covered under either sub clause (a) or (b) or (c) of clause (h). The only question that remains is whether it is covered under sub clause (d) i.e. whether it is controlled or substantially financed by the Government of NCT of Delhi. Suffice to say that recognition of the Institute by the BTE of the Government of NCT of Delhi does not mean that it is controlled or substantially financed by the said Government. Similarly, the affiliation of the Institute with BTE does not bring it under the purview of clause (d). On a careful scrutiny of the detailed representation filed by the appellant, I do not find any material to even remotely suggest that the Institute is covered under clause (h) of section 2 of the RTI Act. I may also add that mere sponsoring of Army personnel by the Ministry of Defence/Army authorities for training to the Institute against payment of prescribed fee cannot be construed to mean that the Institute is being financed, let alone substantially financed, by the DGR or NCT of Delhi. In view of the above discussion, I find no merit in the appeal. Dismissed.

Sd/-  
( M.L. Sharma )  
Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges, prescribed under the Act, to the CPIO of this Commission.

( K.L. Das )  
Deputy Registrar

Address of parties :-

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